

Indiana House of Representatives

News and Information

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FOR IMMEDIATE RELEASE:

April 10, 2005

Orentlicher: CLONING BILL PROVISION WILL PENALIZE INFERTILE COUPLES

INDIANAPOLIS – Indiana would become the first state in the union to make it a crime for infertile couples to have children, according to provisions of a bill that is awaiting final approval in the Indiana General Assembly, State Rep. David Orentlicher (D-Indianapolis) said today.

Orentlicher said Senate Bill 268, which prohibits cloning as state policy, contains language that makes it a crime for a person to purchase or sell a human ovum. The offense would be considered a Class C Felony, and carry a penalty of up to eight years in prison.

Joined by Dr. Robert Colver with Midwest Fertility Specialists, Orentlicher said he would ask lawmakers to remove the language from SB 268. The measure is eligible for final approval in the state Senate, where its author, State Sen. Pat Miller (R-Indianapolis) must decide to agree or dissent with changes made to the bill in the Indiana House.

"My hope is that Sen. Miller will ask that the bill be sent to a House-Senate conference committee, then work to remove the language penalizing infertile couples," Orentlicher said. "I want to make it very clear that I have no argument with the primary focus of this bill: creating a state policy against human cloning to have children. I simply want to remove language that would cause infertile couples to face criminal charges for seeking medical treatment to have children."

To demonstrate the potential damage that would occur if this language was to become law, Orentlicher and Colver outlined a scenario in which a young woman wanting to have children is diagnosed with ovarian cancer and has to have her ovaries removed.

"This woman can carry a pregnancy after in-vitro fertilization of an egg from a donor with her husband's sperm, and the couple is able to identify another woman who will supply some eggs," Orentlicher said. "Being a donor means multiple visits to an infertility clinic for hormone injections, repeated blood tests, ultrasound examinations and a surgical procedure to collect the eggs.

"Each of these trips means that the egg donor loses time and wages at work, and she is unable to bear all of the costs," he continued. "The donor asks the couple if they can reimburse her for the lost wages, and the couple gladly agrees. The payment is not for the eggs, but to ensure that the donor doesn't have to lose money in the process.

"Under the provisions contained in Senate Bill 268, the couple would be committing a Class C Felony and facing jail time," Orentlicher said. "We need to be helping infertile couples have children, not punishing them for trying to do so."

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